



Eric Gonzalez
District Attorney

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[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: RACHAEL KOSAK

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

1. CLIFFORD RIGAUD V. CITY OF NEW YORK, ET AL 12-CV-3211 FILED IN THE EASTERN DISTRICT

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS, DATED 10/05/2020, AGAINST MOS KOSAK:

On August 19, 2020 members of Brooklyn North Narcotics executed a no knock search warrant at an apartment in the confines of the 83 Precinct.

A review of the tac plans revealed that there were no designated recorders, front or side security, or a hospital auto listed on the tac plans. Additionally, there were MOS present at the location whom were engaged in the tactical entry that were not listed on the tac plans. Further, numerous members of the of the entry team remained at the location, without a clear designated assignment and engaged in searching of the premise and/or stayed at the location with no legitimate purpose.

Hearings were conducted in this matter. In sum and substance, Captain Kosak indicated that she was the overall supervisor on the date of the execution. She further indicated she did not clearly delineate responsibilities, nor did she ensure that those functions were properly indicated. She conceded those rolls were not clearly stated on the tac plans and that members were present at the location that were not documented on the tac plans. She further agreed that there were members present who were searching the premise who were not assigned those specific roles.

PG 221-17 Page 2 paragraph 11 (d) Designate the assignment of personnel, including search responsibilities, recording responsibilities, security, hospital auto, etc. Capt. Kosak failed to designate the assignment of personnel.

PG 221-17 Page 2 paragraph 16 Strictly limit access to the uniformed members of the service designated as the search team after the target premises has been rendered safe. Capt. Kosak failed to ensure that there was

limited access to those members of the filed team who were not assigned to searching and recording.

ACTION TAKEN: INSTRUCTIONS

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH FEBRUARY 16, 2021, THE PEOPLE ARE UNAWARE OF ANY PENDING AND OR SUBSTANTIATED CCRB ALLEGATIONS AGAINST THIS OFFICER.

Eric Gonzalez
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